

REMARKS

In the Office Action, dated June 28, 2006, the Examiner rejected claims 1-39 under 35 U.S.C. §102(e) as allegedly being anticipated by U.S. Patent Application Publication No. 2004/0059705 (hereinafter "WITTKE"). Applicant respectfully traverses the rejection of the claims under 35 U.S.C. § 102.¹

By way of this amendment, Applicants have amended claims 1 and 21 to substantially incorporate the subject matter recited in former claim 4 and to improve form. Claims 2, 7, 22, 23, 30, 31 and 39 have been amended to improve form. Claims 5, 6 and 11-14 have been amended to improve form and to depend from claim 1. Claims 10, 15 and 16 have been amended to depend from claim 1. Claims 4 and 32-38 have been canceled without prejudice or disclaimer. New claims 40-53 have been added. No new matter by has been added by the present amendment. Reconsideration of the outstanding rejections of pending claims 1-3, 5-31 and 39 is respectfully requested in view of the following remarks.

REJECTIONS UNDER 35 U.S.C. §102

In paragraph 3, the Office Action rejects pending claims 1-3, 5-31 and 39 under 35 U.S.C. §102(e) as allegedly being anticipated by WITTKE. Applicants respectfully traverse.

Amended independent claim 1, for example, recites a method that includes "creating the customized news document with a personalized search query received from the user, wherein

¹ As Applicants' remarks with respect to the Examiner's rejections are sufficient to overcome these rejections, Applicants' silence as to assertions by the Examiner in the Office Action or certain requirements that may be applicable to such rejections (e.g., whether a reference constitutes prior art, motivation to combine references, etc.) is not a concession by Applicants that such assertions are accurate or such requirements have been met, and Applicants reserve the right to analyze and dispute such assertions/requirements in the future.

creating the customized news document further comprises: dividing the news document into a plurality of news sections, with each of the news sections including one or more items of related news content, the search query being associated with only one of the plurality of news sections,” “fetching news content from a plurality of news source servers,” “aggregating the news content,” “searching the aggregated news content based, at least in part, on the personalized search query” and “providing selected news content to the one of the plurality of news sections based, at least in part, on results of the search.”

A proper rejection under 35 U.S.C. § 102 requires that a reference teach every aspect of the claimed invention. Any feature not directly taught must be inherently present. In other words, the identical invention must be shown in as complete detail as contained in the claim. See M.P.E.P. § 2131. WITTKE does not disclose or suggest the combination of features recited in Applicants' amended claim 1.

For example, WITTKE does not disclose or suggest “creating the customized news document with a personalized search query received from the user, wherein creating the customized news document further comprises: dividing the news document into a plurality of news sections, with each of the news sections including one or more items of related news content, the search query being associated with only one of the plurality of news sections” or “providing selected news content to the one of the plurality of news sections based, at least in part, on results of the search.” The Office Action relies on paragraphs 260, 281 and 325 for allegedly disclosing the features of claim 1. The Office Action further relies on paragraphs 201 and 202 for allegedly disclosing the features of claim 4, which have been substantially

incorporated into claim 1. Applicants respectfully submit that these sections of WITTKE do not disclose or suggest the above-noted features of amended claim 1.

At paragraph 260, WITTKE discloses:

The knowledge system of this invention A) effectively integrates information from diverse sources, B) verifies, adds to or enhances source metadata (product data sheet; article title), and C) searches, queries, retrieves, and aggregates information. It identifies "things" people want, need and/or desire, given all the information and misinformation that's abundant in the world. It not only locates "things" for people, but also enriches their lives. It gives them more life. It "touches" people beyond helping them find that book they're looking for. It helps people live more and grow as people. It helps the person who from when they were a child wanted to become an actress but due to life's circumstances was never able to pursue their passion: there are countless people in the world with untapped passions and interests waiting to be unleashed with proper nurturing and guidance. The new knowledge system teaches people. It knows who someone is as a person--their personality, background, interests, etc.--to more effectively and efficiently teach them.

This paragraph of WITTKE discloses a knowledge system that searches and aggregates information and provides information to users based on knowledge of their personality, background or interests. This paragraph of WITTKE does not disclose, or even suggest, "creating the customized news document with a personalized search query received from the user, wherein creating the customized news document further comprises: dividing the news document into a plurality of news sections, with each of the news sections including one or more items of related news content, the search query being associated with only one of the plurality of news sections" or "providing selected news content to the one of the plurality of news sections based, at least in part, on results of the search," as recited in amended claim 1.

At paragraph 281, WITTKE discloses:

FIG. 14B describes the sequence of events. After the mentor suggests a change to the database, an administrator is notified (email or instant alert) of the request for an addition. Upon approval via another set of user screens, the administrator approves (could also deny) of the change and sets flags for the back-end software to automatically adjust the database. For those people whom are currently connected as in web/internet--the next time their browser updates they will have new database structure information. All automatic. It's similar to adding a new directory on your computer to store stuff (Word docs--pictures, etc.) but being able to search, query, aggregate, etc. The stuff is stored in there automatically. (Attachment A sets forth the XML source code for performing the Add/Drop of Database Nodes function. The source code could be in other software languages.)

This paragraph of WITTKE discloses a process by which a mentor suggests a change to a database and an administrator approves the change and sets flags for the back-end software to automatically adjust the database. This paragraph of WITTKE does not disclose, or even suggest, "creating the customized news document with a personalized search query received from the user, wherein creating the customized news document further comprises: dividing the news document into a plurality of news sections, with each of the news sections including one or more items of related news content, the search query being associated with only one of the plurality of news sections" or "providing selected news content to the one of the plurality of news sections based, at least in part, on results of the search," as recited in amended claim 1.

At paragraph 325, WITTKE discloses:

As previously mentioned and observable in FIG. 8, the PPE generates a Personality/Preference Token 22 per each client of the system. The token--as the title implies--stores a client selectable subset of information particular to them. In other words depending on their personal desires, they can increase and decrease the set of information stored per their token. This token or electronic collection of personal information has a number of uses, one of which is shown in FIG. 36 where a user may make the token available to third-party web sites which upon reading the token can customize the web-site offering to that client. The ACAS system enables users to customize their collection of information.

This paragraph of WITTKE discloses the generation of a preference token 22 for each system client that stores a subset of information particular to the client. The token may, for example, be used by third-party websites to customize the web-site offering to that client. This paragraph of WITTKE does not disclose, or even suggest, "creating the customized news document with a personalized search query received from the user, wherein creating the customized news document further comprises: dividing the news document into a plurality of news sections, with each of the news sections including one or more items of related news content, the search query being associated with only one of the plurality of news sections" or "providing selected news content to the one of the plurality of news sections based, at least in part, on results of the search," as recited in amended claim 1.

At paragraphs 201 and 202, WITTKE discloses:

Thus we see simplified examples of how an individual has a multitude of spheres of interest, each of which may contain a number of topics as well as sub-spheres. Spheres are merely groupings or associations of topics into a broader classification.

Some spheres are larger than others, they vary in size and can be embedded with other spheres. The spheres of interest (the aggregate group) associated with every person will be not only unique, but multi-dimensional and vary over time. A twenty-year old interested in surfing may not be interested in surfing at age fifty. A sphere of interest related to a person's profession will obviously change as the person's career takes the inevitable shifts over time.

These paragraphs of WITTKE disclose that individuals have multiple spheres of interest, each sphere of interest containing a number of different topics and characterized as being unique and varying over time. As further disclosed in paragraph 203, the knowledge system of WITTKE accounts for each individual's spheres of interest when providing "knowledge" to that individual.

These paragraphs of WITTKE do not disclose, or even suggest, “creating the customized news document with a personalized search query received from the user, wherein creating the customized news document further comprises: dividing the news document into a plurality of news sections, with each of the news sections including one or more items of related news content, the search query being associated with only one of the plurality of news sections” or “providing selected news content to the one of the plurality of news sections based, at least in part, on results of the search,” as recited in amended claim 1.

For at least the foregoing reasons, Applicants submit that amended claim 1 is not anticipated by WITTKE. Withdrawal of the rejection of claim 1 under 35 U.S.C. §102 is respectfully requested.

Claims 2, 3 and 5-20 depend from claim 1. These claims, therefore, patentably distinguish over WITTKE for at least the reasons set forth above with respect to claim 1.² Furthermore, these claims include additional features not disclosed or suggested by WITTKE. For example, amended claim 5 recites “receiving user input specifying a number of stories that a selected news section of the plurality of news sections should have.” In rejecting claim 5, the Office Action relies on paragraphs 369 and 370 of WITTKE for allegedly disclosing the features of claim 5.

At paragraphs 369 and 370, WITTKE discloses:

² As Applicants' remarks with respect to the base independent claims are sufficient to overcome the Examiner's rejections of all claims dependent therefrom, Applicants' silence as to the Examiner's assertions with respect to dependent claims is not a concession by Applicants to the Examiner's assertions as to these claims, and Applicants reserve the right to analyze and dispute such assertions in the future.

Content indication is an important feature to this invention. Content factor is a relative measure of how much a piece of data (ex. article) is about a particular topic (i.e. node). Users are able to specify the level to which they would want items to enter the aggregation pool based on this factor. In other words if Sue says "I'm interested in this topic", she might also specify through the content parameter that she only wants to see articles which are at least 50% about this subject.

Users also control the Level of Suggestion and topics associated with that suggestion. If Ed has selected fishing as a topic of interest, he might also specify through the tree that he'll allow the system a certain level of range about his chosen node of interest from which the system might automatically offer items not specifically requested but of close relationship.

These paragraphs of WITTKE disclose the use of a "content factor," specified by the user, which indicates how much information an article contains about a particular topic. Therefore, as disclosed in WITTKE, the user may specify a desire to only view articles that are at least a specified percentage (e.g., 50%) about a given topic. These paragraphs of WITTKE, however, have nothing to do with user input that specifies *a number of stories that a selected news section should have*. WITTKE, thus, does not disclose, or even suggest, "receiving user input specifying a number of stores that a selected news section of the plurality of news sections should have," as recited in amended claim 5.

Amended claim 14 further recites receiving user input related to how news content should be sorted for display in each of the plurality of news sections. The Office Action relies on paragraphs 347-350 for allegedly disclosing the features of this claim.

At paragraphs 347-350, WITTKE discloses:

User's specify:

What news/information they would like to receive

How they want it presented to them--ex. text, audio, combination, spheres of

interest

How they want the information changed, updated, deleted and/or stored

These paragraphs of WITTKE merely disclose that a user may specify what kind of news they would like to receive, how they want the news presented to them (e.g., as text, audio, spheres of interest, etc.) and how they want the information changed, updated, deleted or stored. These paragraphs of WITTKE, however, do not disclose, or even suggest, that the user may specify how the news content *should be sorted for display*. WITTKE, therefore, does not disclose or suggest “receiving user input related to how news content should be sorted for display in each of the plurality of news sections,” as recited in amended claim 14.

Applicants respectfully request that the rejection of claims 5 and 14 be withdrawn for at least the additional reasons set forth above.

Independent claim 21 recites similar features to (though possibly of different scope than) claim 1. Claim 21, therefore, patentably distinguishes over WITTKE for similar reasons to those set forth above with respect to claim 1.

Claim 22 depends from claim 21 and, therefore, patentably distinguishes over WITTKE for at least the reasons set forth above with respect to claim 21.

Amended independent claim 23 recites a method that includes “receiving a plurality of search queries from a user,” “creating a customized news document including a plurality of personalized news sections, with each news section being defined by a different one of the plurality of search queries,” “retrieving news content from memory using the plurality of search queries” and “inserting selected news content of the retrieved news content into each of the

personalized news sections of the customized news document.” The Office Action relies on paragraphs 260, 281 and 325 of WITTKE for allegedly disclosing the features of claim 23. Applicants respectfully traverse and submit that these sections of WITTKE do not disclose or suggest the combination of features recited in claim 23.

As discussed above with respect to claim 1, paragraph 260 of WITTKE merely discloses a knowledge system that searches and aggregates information and provides information to users based on knowledge of their personality, background or interests. Paragraph 260 of WITTKE, however, does not disclose, or even suggest, “creating a customized news document including a plurality of personalized news sections, with each news section being defined by a different one of the plurality of search queries” and “inserting selected news content of the retrieved news content into each of the personalized news sections of the customized news document,” as recited in amended claim 23.

As further discussed above with respect to claim 1, paragraph 281 of WITTKE merely discloses a process by which a mentor suggests a change to a database and an administrator approves the change and sets flags for the back-end software to automatically adjust the database. Paragraph 281 of WITTKE, however, does not disclose, or even suggest, “creating a customized news document including a plurality of personalized news sections, with each news section being defined by a different one of the plurality of search queries” and “inserting selected news content of the retrieved news content into each of the personalized news sections of the customized news document,” as recited in amended claim 23.

As also discussed above with respect to claim 1, paragraph 325 of WITTKE merely discloses the generation of a preference token 22 for each system client that stores a subset of information particular to the client. The token may, for example, be used by third-party websites to customize the web-site offering to that client. Paragraph 325 of WITTKE, thus, does not disclose, or even suggest, “creating a customized news document including a plurality of personalized news sections, with each news section being defined by a different one of the plurality of search queries” and “inserting selected news content of the retrieved news content into each of the personalized news sections of the customized news document,” as recited in amended claim 23.

For at least the foregoing reasons, Applicants submit that amended claim 23 is not anticipated by WITTKE. Withdrawal of the rejection of claim 23 under 35 U.S.C. §102 is respectfully requested.

Claims 24-30 depend from claim 23 and, therefore, patentably distinguish over WITTKE for at least the reasons set forth above with respect to claim 23.

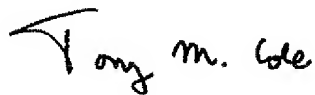
Amended independent claims 31 and 39 recite similar features to (though possibly of different scope than) claim 23. Claims 31 and 39, therefore, patentably distinguish over WITTKE for similar reasons to those set forth above with respect to claim 23.

New claims 40-53 recite a method that includes “dividing a news document into a plurality of news sections,” “receiving a first search query and a second search query,” “searching news content based on the first search query to obtain a first set of related news items,” “searching the news content based on the second search query to obtain a second set of

related news items,” “populating a first news section of the plurality of news sections with the first set of related news items” and “populating a second news section of the plurality of news sections with the second set of related news items.” Applicants submit that WITTKE does not disclose, or even suggest, the combination of features recited in claims 40-52.

In view of the foregoing amendments and remarks, Applicants respectfully request the Examiner's reconsideration of this application, and the timely allowance of the pending claims. To the extent necessary, a petition for an extension of time under 37 CFR § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 50-1070 and please credit any excess fees to such deposit account.

Respectfully submitted,



By: _____
Tony M. Cole
Registration No. 43,417

Date: November 28, 2006

Harrity Snyder, L.L.P.
11350 Random Hills Road
Suite 600
Fairfax, Virginia 22030
Main: (571) 432-0800
Direct: (386) 575-2713

Customer Number: **44989**